

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

STEVEN R. KINCAID,

Plaintiff,

v.

BANK OF AMERICA
CORPORATION,

Defendant.

Civil Action No. 04-11522-WGY

PLAINTIFF'S NOTICE OF DEPOSITION OF ALEC KOTOPOULOS

To: Richard F. Kane, Esq.
Steven T. Ackermann, Esq.
McGuire Woods LLP
Bank of America Corporate Center
100 North Tryon Street, Suite 2900
Charlotte, North Carolina 28202

George P. Kostakos, Esq.
Edwards & Angell, LLP
2800 Financial Plaza
Providence, Rhode Island 02903

Attorneys for Defendant

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 30 and 45, plaintiff will take the deposition upon oral examination, before a Notary Public or other officer authorized to administer oaths, of Alec Kotopoulos who, on information and belief, currently resides at 1707 Bardstown Road, Charlotte, North Carolina 28226. The deposition will commence on June 2, 2005 at 9:00 a.m. at the offices of Hamilton Fay Moon Stephen Steele & Martin, PLLC, 2020 Charlotte Plaza, 201 South College Street, Charlotte, North Carolina 28244-2020.

The deposition testimony will be recorded by stenographic means.

You are invited to attend and cross-examine.

The deposition will continue from day to day until completed.

Dated: May 25, 2005



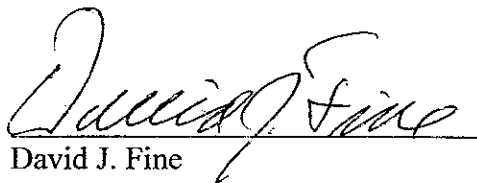
David J. Fine, BBO #165120
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Boston, MA 02108-2003
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Attorney for Plaintiff

Certificate of Service

I hereby certify that I have this day served the foregoing by causing true copies thereof to be telecopied and mailed, first class postage prepaid to, Richard F. Kane and Steven T. Ackermann, Esqs., McGuire Woods LLP, Bank of America Corporate Center, 100 North Tryon Street, Suite 2900, Charlotte, NC 28202, and to George P. Kostakos, Edwards & Angell, LLP, 2800 Financial Plaza, Providence, RI 02903, attorneys for defendant.

Dated: May 25, 2005



David J. Fine